

BILL ANALYSIS

Senate Research Center

H.B. 3134
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Jurisprudence
5/24/2001
Enrolled

DIGEST AND PURPOSE

There are increasing occurrences of notaries public falsely representing themselves as attorneys, particularly to immigrants and persons with little or poor English language skills. H.B. 3134 adds to provisions regarding notaries public stating or implying that they are licensed to practice law in Texas and establishes criminal penalties for notaries public who falsely represent or advertise themselves as attorneys.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 406.017, Government Code, to provide that a person commits an offense if the person is a notary public and the person commits certain enumerated acts. Requires the notice required by Subsection (a)(5) to state that the notary public is not an attorney and to be in English and in the language of the advertisement and in letters of a conspicuous size. Provides that it is an exception to prosecution under this section that, at the time of the conduct charged, the person is licensed to practice law in this state and in good standing with the State Bar of Texas. Provides that except as otherwise provided this section, an offense under this section is a Class A misdemeanor. Provides that an offense under this section is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted under this section. Deletes existing text regarding a prohibition of a certain translation.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.